

AMENDED IN ASSEMBLY APRIL 18, 2006

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 2920

Introduced by Assembly Member Leno
(Coauthors: Assembly Members Berg, Goldberg, Hancock,
Koretz, Laird, Nation, Pavley, Saldana, and Yee)
(Coauthors: Senators Kehoe and Kuehl)

February 24, 2006

An act to amend Section 9015 of, *and to add Section 9015.5 to*, the Welfare and Institutions Code, relating to seniors.

LEGISLATIVE COUNSEL'S DIGEST

AB 2920, as amended, Leno. Seniors.

Existing law, the Mello-Granlund Older Californians Act, establishes the California Department of Aging in the California Health and Human Services Agency. Existing law sets forth the duties and powers of the department.

Existing law defines greatest social need for purposes of that act.

This bill would change the definition of greatest social need contained in the act.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 9015 of the Welfare and Institutions
- 2 Code is amended to read:
- 3 9015. "Greatest social need" means the need caused by
- 4 noneconomic factors, that include physical and mental

1 disabilities, language barriers, cultural or social isolation,
2 including that caused by actual or perceived racial and ethnic
3 status (for example, African-American, Hispanic, American
4 Indian, and Asian American), ancestry, national origin, religion,
5 sex, gender identity, marital status, familial status, sexual
6 orientation, or by any other basis set forth in Section 12921 of the
7 Government Code, or by association with a person or persons
8 with one or more of these actual or perceived characteristics, that
9 restrict an individual's ability to perform normal daily tasks or
10 that threaten his or her capacity to live independently.

11 *SEC. 2. Section 9015.5 is added to the Welfare and*
12 *Institutions Code, to read:*

13 *9015.5. The Legislature finds and declares all of the*
14 *following:*

15 *(a) Recent studies have shown that lifelong experiences of*
16 *marginalization place lesbian, gay, bisexual, and transgender*
17 *(LGBT) seniors at high risk for isolation, poverty, homelessness,*
18 *and premature institutionalization. Moreover, many LGBT*
19 *seniors are members of multiple underrepresented groups, and*
20 *as a result, are doubly marginalized. Due to these factors, many*
21 *LGBT seniors avoid accessing elder programs and services, even*
22 *when their health, safety, and security depend on it.*

23 *(b) LGBT seniors often lack social and family support*
24 *networks available to non-LGBT seniors. They may face*
25 *particular health risks, as disease prevention strategies often*
26 *ignore LGBT seniors, and HIV and AIDS drug trials generally do*
27 *not include older participants.*

28 *(c) LGBT seniors are denied many vital financial benefits*
29 *provided to heterosexual married couples. For example,*
30 *surviving same-sex partners are denied the social security*
31 *benefits that married couples are provided, and may face heavy*
32 *taxes on the transfer of assets upon the death of a partner.*
33 *Moreover, even under California law, LGBT seniors are denied*
34 *equal long-term care insurance protections. This costs LGBT*
35 *seniors hundreds of millions of dollars each year in lost benefits.*

36 *(d) The number of people 65 years of age and older in*
37 *California is estimated to double to 6.5 million by the year 2020,*
38 *thereby increasing the number of LGBT seniors who are*
39 *receiving inadequate services.*

1 (e) Including LGBT seniors, as well as other underrepresented
2 groups, in the definition of “greatest social need” contained in
3 Section 9015 would increase access to programs administered by
4 the California Department of Aging, including, but not limited to,
5 adult day care programs, health promotion and disease
6 prevention programs, nutrition services, insurance benefits
7 counseling, employment programs, legal assistance, and respite
8 care.

9 (f) California leads the nation in the protections it affords to
10 LGBT persons. As failure to meet the needs of LGBT seniors is a
11 problem of national scope, including LGBT seniors, and other
12 underrepresented groups, within the definition of “greatest
13 social need” under Section 9015 will help the state to be a model
14 for change in other states and at the federal level.

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17 CORRECTIONS: _____

18 Heading—Lines 1, 2, 3, and 4.

19 Text—Page 2.
20 _____